

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced E911 Emergency Calling Systems	)	
	)	
Phase II Compliance Deadlines for Non-	)	
Nationwide CMRS Carriers	)	

To: Wireless Telecommunications Bureau, Policy Division

**SUSSEX CELLULAR, INC.**  
**SUPPLEMENT TO PETITION FOR EXTENSION OF THE**  
**IMPLEMENTATION SCHEDULE FOR PHASE II OF ENHANCED 911 SERVICES**

Sussex Cellular, Inc. ("Petitioner"), by its attorneys, hereby supplements its request for a temporary waiver of Section 20.18(f) of the Commission's rules and an extension of the September 1, 2003 and subsequent deadlines to implement Phase II of Enhanced 911 ("E911") services, in which Petitioner sought a temporary waiver of up to twenty-four months of the requirement that Commercial Mobile Radio Service ("CMRS") carriers who have selected a network-based Phase II E911 solution, and who have requested an extension of time under the provisions of the Commission's Order in *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Order To Stay, 17 FCC Rcd 14841 (rel. July 26, 2002), following a phased in implementation schedule beginning September 1, 2003 or within six months of receiving a valid Public Safety Answering Point ("PSAP") request for Phase II implementation, whichever is later. This Supplement is filed in compliance with the Commission's *Order To Stay*, CC Docket 94-102, FCC 03-241 (rel. October 10, 2003).

Petitioner is a Tier III, rural cellular carrier planning to deploy E911 Phase II service using a network-based solution, consistent with Section 20.18(f) of the Commission's rules. Petitioner has filed with the FCC a notice of a change of selection of technical solution for deployment of E911 Phase II services. Having decided that implementation of a handset-based solution is not technically feasible, Petitioner has filed a declaration of change of election of technical solution to a network-based system that will provide subscribers and roamers with automatic location identification technology.

Petitioner's plans to implement a digital air interface overlay onto its analog system are not taking shape as Petitioner had hoped. The economics of operating a system in Petitioner's single-county market do not justify the expense of a digital conversion at this time. Nor have there materialized in the marketplace any automatic location information ("ALI")-capable handsets that are compatible with Petitioner's AMPS network. Petitioner has no choice but to abandon for now its plans for a handset-based delivery of Phase II services.

As a result, Petitioner has resumed evaluation of the network-based solutions that are available to small cellular systems, such as Petitioner's seven-call system which serves only one county. Petitioner is in communication with vendors to obtain budgetary figures and technical analysis of the feasibility of a network-based solution for Petitioner's service area. Design plans are being solicited by Petitioner from Andrew Corporation and TruePosition, the two major vendors of network-based Phase II solutions for small wireless carriers. Petitioner has requested of them specific proposals for provision of the necessary hardware and software to achieve compliance with Phase II requirements. It is expected that the proposals will include specifications for equipment, site preparation, network diagrams and project schedules. Caller

location accuracy levels will be predicted by the vendor, with reference to compliance with Section 20.18(h)(1) of FCC Rules.

Petitioner anticipates receipt of a valid PSAP request for Phase II services and recognizes that it will not be in a position to provide Phase II services within the next twelve months, and perhaps for as long as twenty-four months, while it studies vendor proposals and prepares for deployment. Petitioner has presented to the Commission a request for temporary relief that is specific, focused, and limited in scope. Petitioner has encountered technical limitations with its choice of method for deployment, and has adjusted to pursue an alternative. In doing so Petitioner is undertaking concrete steps toward compliance with E911 implementation requirements.

Petitioner will be responsive to local safety officials regarding deployment of Phase II E911 services, so that when a PSAP request for Phase II services is received by Petitioner, Petitioner will be prepared to coordinate the commencement of delivery of the requested data.

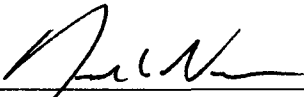
Monetary resources to fund E911 Phase II deployment are not immediately available to Petitioner. The potential of a state reimbursement mechanism is being examined by Petitioner, but sources for initial capitalization have not yet been identified. Nor can specific loan programs be assessed before Petitioner has cost estimates from its vendors.

Despite the described challenges, Petitioner is making continuous progress toward deployment of Phase II services in its service area. Petitioner is pursuing a workable path that will enable it to deliver Phase II information as soon as it is technically possible, and in coordination with any future request for services from a PSAP that becomes ready to receive and utilize Phase II location data.

Petitioner has presented a well founded request for waiver for good cause shown,<sup>1</sup> and has demonstrated that “special circumstances warrant deviation from the general rule, and such deviation will serve the public interest,”<sup>2</sup> Petitioner reaffirms its request for a temporary waiver of up to twenty-four months, having established a “clear path to compliance”<sup>3</sup> despite technological and financial impediments. Petitioner is committed to compliance with its Phase II obligations and desires to bring the safety benefits of Phase II to its customers and roamers at the earliest possible time.

Respectfully submitted,

**SUSSEX CELLULAR, INC.**

By:   
David L. Nace  
Pamela L. Gist  
Its Attorneys

Lukas, Nace, Gutierrez & Sachs, Chartered  
1111 19<sup>th</sup> Street N.W. Suite 1200  
Washington, D.C. 20036  
(202) 857-3500

November 10, 2003

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> Fourth MO&O at 17457; Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) citing WAIT Radio V. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>3</sup> *E911 Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17457, para. 44.


### **DECLARATION**

I, David A. Lane, hereby state and declare:

1. I am President of Sussex Cellular, Inc.
2. I am familiar with the facts contained in the foregoing petition supplement, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts that are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of November, 2003.

  
\_\_\_\_\_  
David A. Lane

## **CERTIFICATE OF SERVICE**

I, Daniel Ladmirault, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 10<sup>th</sup> day of November, 2003, sent by U.S. mail, first-class delivery, a copy of the foregoing Sussex Cellular, Inc. Supplement to Petition to the following:

John Muleta, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 3-C252  
Washington, D.C. 20554

David Solomon, Chief  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 7-C485  
Washington, D.C. 20554

Blaise Scinto, Acting Chief  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 3-C133  
Washington, D.C. 20554

Jennifer Tomchin, Legal Advisor  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 3-C400  
Washington, D.C. 20554

Eugenie Barton  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 3-A104  
Washington, D.C. 20554

Robert M. Gurss, Director, Legal & Government Affairs  
APCO International  
1725 DeSales Street, NW, #808  
Washington, D.C. 20036

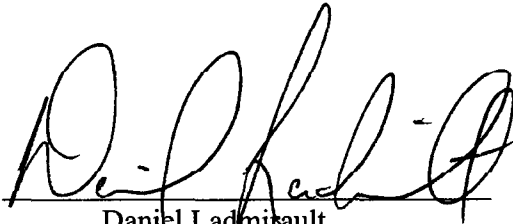
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James R. Hobson  
Miller & Van Eaton, P.L.L.C.  
1155 Connecticut Ave. N.W., Suite 1000  
Washington, D.C. 20036  
*Counsel for NENA and NASNA*

John Ramsey, Executive Director  
APCO International, Inc. World Headquarters  
351 N. Williamson Blvd.  
Daytona Beach, FL 32114-1112

Jim Goerke, Interim Executive Director  
NENA  
422 Beecher Rd.  
Columbus, OH 43230

Evelyn Bailey, Executive Director, NASNA  
Vermont Enhanced 9-1-1 Board  
94 State Street  
Drawer 20  
Montpelier, VT 05620-6501



Daniel Ladmirault